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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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| UNITED STATES OF AMERICA,<br>Plaintiff,<br>v.<br>Eleuterio MEDINA-Sanchez (1)<br>Maria Flor GONZALEZ-Figueroa (2)<br>Ana Maria SOTO-Esquivel (3)<br>Javier BAEZA-Hernandez (4)<br>Lizett MUNOZ (5)<br>Valeria TORRES (6)<br>Candido CRUZ-Martinez (7)<br>Material Witnesses. | Magistrate No.: '08 MJ 8367<br><br>COMPLAINT FOR VIOLATION OF:<br><br>Title 18, U.S.C. § 3144<br>F.R.Crim.P. (MaterialWitnesses) |

The undersigned complainant being duly sworn states:

On or about April 27, 2008, within the Southern District of California, the above named material witnesses were found, along with fifteen others, in a green Chevrolet Suburban near Calexico, California, which was driven by J.J.Y.E., and the above named material witnesses did witness and observe: and that they could testify, the material witnesses, are citizens of Mexico who had entered the United States illegally and that they had been transported in the Chevrolet Suburban. There is evidence that J.J.Y.E., with the intent to and did violate Penal Code 192(c)1 Vehicle Manslaughter, California Vehicle Code 23105(a) Reckless Driving Causing Serious Injury and California Vehicle Code 1200(a) Driving with no License.

The above named witnesses are citizens of Mexico with no legal right to enter or to remain in the United States, and have no apparent means, with no legal right to enter or to remain in the United States. Affiant further alleges that their presence is required as material witnesses in order to prosecute the case against J.J.Y.E.

And the complainant further states that he believes above mentioned aliens, are citizens of a country other than the United States, that said aliens are deportable; that their testimony is material to a petition filed by the Imperial County District Attorney's Office, that it is impracticable to secure their attendance at the trial by subpoena, and therefore, in accordance with Title 18, United States Code, Section 3144, should be held or admitted to bail.

And complainant states that this complaint is based on the attached Statement of Facts which is incorporated herein by reference.

MARCO A. MIRANDA
United States Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1ST DAY OF MAY 2008.

HONORABLE PETER C. LEWIS
United States Magistrate Judge

MATERIAL WITNESSES

Eleuterio MEDINA-Sanchez (1)
Maria Flor GONZALEZ-Figueroa (2)
Ana Maria SOTO-Esquivel (3)
Javier BAEZA-Hernandez (4)
Lizett MUNOZ (5)
Valeria TORRES (6)
Candido CRUZ-Martinez (7)

STATEMENT OF FACTS

Marco A. Miranda, being duly sworn, deposes and says:

1. I am a Senior Border Patrol Agent with the United States Border Patrol, assigned to the El Centro Sector Prosecutions Unit. This affidavit is made in support of a material witness complaint pursuant to Title 18, United States Code, Section 3144, for "J.J.Y.E.". This application seeks the witnesses detention so their testimony may be secured for trial in the Imperial County Superior Court Juvenile Division.

2. The Imperial County District Attorney's Office has filed a petition in the California Court's system for violations of Penal Code 192(c)1 Vehicler Manslaughter, California Vehicle Code 23105(a) Reckless Driving Causing Serious Injury and California Vehicle Code 125000(a) Driving with no License.

3. On April 27, 2008, Border Patrol Agents of the El Centro Sector encountered "J.J.Y.E " as he transported twenty-one illegal aliens.

4. At approximately 9:50 A.M. El Centro Agents received information that an unknown vehicle had possibly entered the United states by crossing the Internantional Boundary approximately 15 miles West of the Calexico Port of Entry.

5. At approximately 10:00 A.M. Agent R. Gilberg observed a green 1996 Chevrolet Suburban traveling eastbound past Dunaway Road on Interstate 8. The vehicle appeared to be heavily laden. Agent Gilberg and California Highway Patrol (CHP) Officer L. Armanderiz began to follow the Suburban. The Suburban exited on Drew Road and traveled south. At the sharp curve on Drew Road the suburban lost control and rolled over. Emergency services was contacted and dispatched to the scene of the accident. One of the passengers that was ejected was found to be deceased at the scene. CHP Officer Armanderiz positively identified the driver as "J.J.Y.E." and placed the driver into custody.

6. Material Witnesses to the incident are able to provide identification of the principal, "J.J.Y.E.". The Material Witnesses are also able to provide significant testimony which would collaborate the statements of the agents and California Highway Patrol Officers.

7. Based on the foregoing, I respectfully submit testimony from Eleuterio MEDINA-Sanchez Maria Flor GONZALEZ-Figueroa, Ana Maria SOTO-Esquivel, Javier BAEZA-Hernandez, Lizett MUNOZ, Valeria TORRES, and Candido CRUZ-Martinez at trial will be material.

8. In addition, it will be impractical to secure the presence of Eleuterio MEDINA-Sanchez Maria Flor GONZALEZ-Figueroa, Ana Maria SOTO-Esquivel, Javier BAEZA-Hernandez, Lizett MUNOZ, Valeria TORRES, and Candido CRUZ-Martinez by subpoena for the following reasons:

A. Eleuterio MEDINA-Sanchez Maria Flor GONZALEZ-Figueroa, Ana Maria SOTO-Esquivel, Javier BAEZA-Hernandez, Lizett MUNOZ, Valeria TORRES, and Candido CRUZ-Martinez are not citizens of the United States and currently reside in Mexico with family.

B. Eleuterio MEDINA-Sanchez Maria Flor GONZALEZ-Figueroa, Ana Maria SOTO-Esquivel, Javier BAEZA-Hernandez, Lizett MUNOZ, Valeria TORRES, and Candido CRUZ-Martinez do not posses any immigration document to be, reside, or live in the United States lawfully.

C. Eleuterio MEDINA-Sanchez Maria Flor GONZALEZ-Figueroa, Ana Maria SOTO-Esquivel, Javier BAEZA-Hernandez, Lizett MUNOZ, Valeria TORRES, and Candido CRUZ-Martinez have an incentive to avoid coming to the United States and appearing in court as government witnesses as they were trying to illegally enter the United States without properly filing for admittance.

9. I believe that based on the facts set out above, there is no condition or combination of conditions that would reasonably assure the appearance of Eleuterio MEDINA-Sanchez Maria Flor GONZALEZ-Figueroa, Ana Maria SOTO-Esquivel, Javier BAEZA-Hernandez, Lizett MUNOZ, Valeria TORRES, and Candido CRUZ-Martinez. Accordingly, I respectfully request that a complaint be issued for Eleuterio MEDINA-Sanchez Maria Flor GONZALEZ-Figueroa, Ana Maria SOTO-Esquivel, Javier BAEZA-Hernandez, Lizett MUNOZ, Valeria TORRES, and Candido CRUZ-Martinez.

Wherefore your affiant prays that the Court issue a material witness warrant for Eleuterio MEDINA-Sanchez Maria Flor GONZALEZ-Figueroa, Ana Maria SOTO-Esquivel, Javier BAEZA-Hernandez, Lizett MUNOZ, Valeria TORRES, and Candido CRUZ-Martinez and they be imprisoned or bailed as the case may be.